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New report calls for better oversight of oil injection wells

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In a report with strong implications for Kern County's oil industry, an environmental activist group called Tuesday for changing the process for exempting aquifers from federal groundwater protections.

The 19-page report by Washington, D.C.-based Clean Water Action focuses on underground injections, especially of salty "produced water" that comes up during oil production.

Such work has become a hot topic locally since state regulators shut down about a dozen injection wells in Kern last summer, saying produced water was being injected into aquifers that were never exempted from the federal Safe Drinking Water Act. They cited the potential for contamination but offered no proof of it.

Specifically citing California's experience as a reason for concern, Clean Water Action said the U.S. Environmental Protection Agency should update and reform its exemption program, which it suggests was unduly influenced by the oil industry in the 1980s.

The group proposed several steps to protect potential sources of future drinking water, including:

- * revising the criteria for aquifer exemptions to reflect "modern environmental challenges, water demands and technical advances";
- * developing and disclosing a national inventory of exemptions to the drinking water act; and
- * determining whether protected sources of drinking water are being contaminated by injections into exempted aquifers.

The EPA declined comment Tuesday, saying it was still reviewing the report. But an agency official provided a copy of a Dec. 22 letter it sent state water and oil officials demanding stricter documentation for aquifer exemption requests.

The state agency that oversees underground injection work on the EPA's behalf, the Division of Oil, Gas and Geothermal Resources, issued a statement that it has been working on matters addressed in the report.

An oil industry trade group, the California Independent Petroleum Association, was dismissive of the report, noting there is no evidence of waste being injected into drinking water supplies.

"It is true that EPA has asked DOGGR to go back and solve the paperwork problem of aquifers boundaries not being formally adopted," CIPA CEO Rock Zierman wrote in an email. "But DOGGR has always reviewed aquifer exemption requests and analyzed if the injection zone is appropriate."

Clean Water Action's report says the drinking water act, passed by Congress in 1974, was diluted early on by a legal challenge from the American Petroleum Institute, which argued the EPA's definition of protected groundwater was overly broad and beyond the intent of the law.

In a compromise, the EPA amended its criteria to exempt aquifers containing minerals, gas or oil "that considering their quantity and location are expected to be commercially producible."

The new report discusses problems with California's underground injection program, which were detailed in a 2011 federal audit pointing out numerous shortcomings with DOGGR's oversight.

"For years the (California) program operated under loose exemption oversight with poor record-keeping and mapping of aquifers, and inadequate communication between stakeholders," the report states.

Irrespective of Clean Water Action's report, DOGGR and the State Water Resources Control Board face increasing pressure from the EPA to improve California's oversight of underground injection.

The EPA's Dec. 22 letter set a Feb. 6 deadline for submission of a "definitive overall plan" by the state to bring its injection program into compliance by Feb. 15.